

76-9318/3

U. S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

OGC
12 June 76

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

DALLAS DIVISION

JOSEPH McELROY, JR., CLERK

BY

Deputy

CIVIL ACTION NOS.
3-76-0324-F

Frances Hilliard Brown)
vs)
James H. Holmes, III)
C. A. Searcy Miller)
Ralph Hartman)
Richard E. Gray)
I.T. & T (World Com))

Plaintiff

Defendants

Frances Hilliard Brown)
vs)
Department of Defense)

Plaintiff

Defendant

3-76-0671-F

Frances Hilliard Brown)
vs)
The Central Intelligence Agency)

Plaintiff

Defendant

3-76-0672-F

Frances Hilliard Brown)
vs)
Department of Health, Education & Welfare)

Plaintiff

Defendant

3-76-0673-F

Frances Hilliard Brown)
vs)
American Telephone & Telegraph Company)

Plaintiff

Defendant

3-76-0754-F

MOTION TO VACATE JUDGMENT AND FOR
REHEARING

OGC Has Reviewed

MOTION TO VACATE JUDGMENT AND FOR REHEARING

Plaintiff moves the Court to vacate the judgments entered on June 3rd and 4th, 1976 in the fore-going numbered actions and to issue such orders as will enable Plaintiff to have access to information necessary to a successful prosecution of the case against the defendants. This request is made on the following grounds:

1. The Case throughout it's history in the Federal Courts has never been adjudicated on it's merits.
2. Dismissal with prejudice is too harsh a penalty. Such a judgment would bar the plaintiff from ever securing relief from harassment or action against others which future revelations might show to be responsible. Plaintiff would cite:
(Brown v Thompson C.A. 5th 1970, 430 F 2d 1214)
This being a case where Court refused to exercise it's discretion to require production of files, and then dismissed without a hearing.
3. Plaintiff has failed to receive any information as to what part National Security has played in her inability to secure information and relief. In this instance she would cite:
(Societe Internationale, Etc. v Rogers, 78 U.S.Supp 1087)
A case in which a Swiss Bank was relieved of a judgment with prejudice for not complying with a pretrial production order due to possible violation of Swiss Laws. For this reason an answer from the Federal Agencies served with a complaint should be permitted by the Court.
4. Plaintiff has made every effort to abide by the Federal Rules in filing complaints and amendments; in attempting to go on premises to inspect and discover; and in filing interrogatories. That her efforts were unsuccessful, due in large part to illegal monitoring, was the basis for the instant actions dismissed by the Court. No answer has been made by the Attorneys for Mr. Ralph Hartman or I.T. & T. to the Plaintiff's allegation that she had been monitored by their law firms.
5. Attorneys for the defendants have frequently stated: "Plaintiff has made no claim upon which relief can be granted". The claim should be obvious, namely that due to electronic implants and illegal monitoring, plaintiff has been unable to obtain medical information upon which informed consent could be given for relief and/or law enforcement protection and monetary restitution.
6. The finding that the case is "utterly frivolous" and the subsequent judgment is contrary to the evidence that is on file with the District Court.

For the foregoing reasons and also because in this instance justice has not been served, the Court should set aside the

judgment and issue such orders as will enable Plaintiff to have access to facts needed for a just adjudication.

Service is being made on defendants by sending a copy by certified mail this day as permitted by Rule 5 (h)

Respectfully submitted,

Dated June 14 1976

Frances Hilliard Brown

Frances Hilliard Brown

CERTIFICATE OF SERVICE

This will certify that copies of the attached Motion have
this day been sent by certified mail to the following:

Dr. F. David Matthews, Sec'y
Dept of Health, Education
and Welfare

330 Independence Ave., S.
Washington, D. C. 20501

Mr. Donald Ruskfeld, Sec'y
The Department of Defense

The Pentagon
Washington, D. C. 20501

Mr. George Bush, Sec'y
The Central Intelligence Agency

Washington, D. C. 20505

Mr. Logan Ford
1511 Fidelity Union Life Building
Dallas, Texas 75201

Mr. L. W. Anderson
3100 Fidelity Union Tower
Dallas, Texas

Mr. David S. Kider
3200 Republic National Bank Building
Dallas, Texas 75201

Mr. John Skrhak
4300 First National Bank Building
Dallas, Texas 75202

Mr. R. Glen Ayers, Jr.
3600 First National Bank Building
Dallas, Texas 75202
American Telephone & Telegraph
Company - 4100 Bryan
Dallas, Texas

Dated June 11, 1976

Signed Frances Hilliard Brown
Frances Hilliard Brown

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